

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ERNEST ZIMMERMAN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CIVIL NO. H-07-00345

ORDER

Presently before the court is Plaintiff's Motion for Extension of Time to File Notice of Appeal (Docket Entry No. 23) and Plaintiff's Unopposed Motion to Appeal In Forma Pauperis (Docket Entry No. 24).

On July 31, 2007, the court entered a final judgment in this action. Pursuant to Federal Rule of Appellate Procedure 4(a)(1)(B), Plaintiff has sixty days to file a notice of appeal when the United States or its officer or agency is a party.

On October 1, 2007, Plaintiff timely filed a motion for extension of time to file a notice of appeal pursuant to Federal Rule of Appellate Procedure 4(a)(5)(A). As good cause, counsel alleged that Plaintiff's health had caused a delay in his ability to execute an in forma pauperis application. The court finds that this is good cause for an extension of time.

Plaintiff's motion for extension of time to file a notice of

appeal is **GRANTED**. The Clerk shall docket the Notice of Appeal attached as an exhibit to Docket Entry No. 24 and reflect a docketing date of October 10, 2007.

On the other hand, Plaintiff has failed to support his Unopposed Motion to Appeal In Forma Pauperis with the appropriate documentation, hence that motion is **DENIED** at this time. Plaintiff has ten (10) days to refile this motion with adequate support of his financial inability to pay the filing fee or the motion will be denied.

SIGNED this 11th day of October, 2007.



Nancy K. Johnson
United States Magistrate Judge